

Notice of Allowability

Application No.

10/675,788

Examiner

sang nguyen

Applicant(s)

SCHMADEL, INGOBERT

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/02/04.
2. ☒ The allowed claim(s) is/are 1, 3, 5, 9, and 11-20 which have been renumbered as indicate claims 1-14.
3. ☒ The drawings filed on 30 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

The present Office action is made in response to Amendment filed on 08/02/2004 have been entered. It is noted that the present application contains claims 1, 3, 5, 9, and 11-20 and claims 2, 4, 6-8, and 10 have been canceled by the Amendment filed on 08/02/04.

Allowable Subject Matter

Claims 1, 3, 5, 9, and 11-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

As to independent claim 1 the prior art of record, taken alone or in combination, fails discloses or render obvious a spatial reference system comprising all the specific elements with the specific combination including of a distance from the point at which the proximate end of the outer member is fixedly mounted to the first end adapter to the point at which the distal end of the outer member is fixedly mounted to the distal end of the compensating member is the same as a distance from the point at which the proximate end of the compensating member is fixedly mounted to the proximate end of the inner member to the point at which the distal end of the inner member is fixedly mounted to the second end adapter, such that the inner member and outer member have the same effective length in combination with the rest of the limitation of claim 1; and

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As to independent claim 9, the prior art of record, taken alone or in combination, fails discloses or render obvious a spatial reference system comprising all the specific elements with the specific combination including of an outer member formed in a generally cylindrical shape with an open end and a closed proximate end thereby forming a central cavity, the outer member adapted to fit within an open end of the measuring bar such that the distal end of the outer member is fixedly mounted to one of the ends of measuring bar, an inner member with a proximate end and a distal end, the cavity of outer member adapted to receive the proximate end of the inner member so that the proximate end of the inner member fits within the outer member and is fixedly mounted to the proximate end of the outer member within the cavity with the distal end of inner member extending beyond the distal end of the outer member to support and retain one of the end probes in combination with the rest of the limitation of claim 9.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Nguyen whose telephone number is (571) 272-2425. The examiner can normally be reached on 9:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext 77. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nguyen/ SN

August 16, 2004



Hoa Q. Pham
Primary Examiner



Gregory J. Toatley, Jr.
Supervisory Patent Examiner
Art Unit 2877
Technology Center 2800